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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,548	10/10/2001	Arie E. Kaufman	AP30612-A-I-072600.02	8170

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NEW YORK, NY 10112

EXAMINER

WALLACE, SCOTT A

ART UNIT PAPER NUMBER

2671

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,548

Applicant(s)

KAUFMAN ET AL.

Examiner

Scott Wallace

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al., U.S. Patent No. 6,556,210.
4. As per claim 1, Yamamoto et al discloses a method of mapping texture properties from at least one optical image (column 6 lines 53-61) to an acquired monochrome data (abstract and column 2 lines 43-45) set comprising: segmenting the acquired monochrome data set into a plurality of classifications representing a plurality of textures (column 2 lines 5-15 and 43-45); segmenting the optical image (texture image, column 6 lines 53-61) into a plurality of color classifications representing a second plurality of textures (column 2 lines 5-15); generating a texture model for the plurality of color classifications (abstract and column 2 lines 5-20 and 43-50); matching the texture models to the plurality of classifications of the monochrome image data (abstract and column 2 lines 5-20 and 43-50); and applying the texture models to the monochrome image data (abstract).
5. As per claim 2, Yamamoto et al discloses an imaging system for mapping optical texture properties from at least one optical image (column 6 lines 53-61) to an acquired monochrome data set

(abstract and column 2 lines 43-45) comprising: an imaging scanner for acquiring the monochrome data set (column 6 lines 53-61); a processor (fig 5, # 101), said processor segmenting the acquired monochrome data set into a plurality of classifications representing a plurality of textures (column 2 lines 5-15 and 43-45), segmenting optical image into a plurality of color classifications representing a second plurality of textures (column 2 lines 5-15), generating a texture model for the plurality of color classifications (abstract and column 2 lines 5-20 and 43-50), matching the texture models to the plurality of classifications of the monochrome image data (abstract and column 2 5-20 and lines 43-45), applying the texture models to the monochrome image data (abstract); and a display unit operatively coupled to the processor for displaying a representation of the image data with the texture models applied (fig 5, # 105).

6. As per claim 5, Yamamoto et al discloses wherein the image data with the texture models applied is a color representation of the object being imaged (abstract and column 2 lines 5-20 and 42-50).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al. in view of Rosasco, U.S. Patent No. 6,317,137.

9. As per claim 3, although Yamamoto et al does not disclose wherein the imaging scanner is a computed tomography scanner, it was well known in the medical field to use computed tomography scanners. Yamamoto discloses applying textures to scanned images (abstract and column 2 lines 5-20 and column 6 lines 60). Rosasco discloses applying texture to scanned images from CT and MRI scanners. Applying texture to these scanned images would be obvious to one of ordinary skill in the art at the time the invention was made because this would allow clinicians to accentuate different features in the volumetric data (column 1 lines 49-55).

10. As per claim 4, although Yamamoto et al does not disclose wherein the imaging scanner is a magnetic resonance imaging scanner, it was well known in the medical field to use magnetic resonance imaging scanners. Yamamoto discloses applying textures to scanned images (abstract and column 2 lines 5-20 and column 6 lines 60). Rosasco discloses applying texture to scanned images from CT and MRI scanners. Applying texture to these scanned images would be obvious to one of ordinary skill in the art at the time the invention was made because this would allow clinicians to accentuate different features in the volumetric data (column 1 lines 49-55).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Wallace** whose telephone number is **703-605-5163**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at 703-305-9798.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA,
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be
directed to the Technology Center 2600 Customer Service Office whose telephone number is
(703) 306-0377.


MARK ZIMMERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600